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KELLY-MOORE PAINT COMPANY, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

KELLY-MOORE PAINT COMPANY, INC.,

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA,

Defendant.

Case No. 3:14-CV-01797-MEJ

**STIPULATION OF DISMISSAL AND  
~~[PROPOSED]~~ ORDER**

1 NATIONAL UNION FIRE INSURANCE  
2 COMPANY OF PITTSBURGH, PA,

3 Counterclaimant,

4 v.

5 KELLY-MOORE PAINT COMPANY, INC.,

6 Counter-defendant.  
7

8  
9 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Counter-  
10 defendant KELLY-MOORE PAINT COMPANY, INC. ("Kelly-Moore") and Defendant and  
11 Counterclaimant NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,  
12 PA ("National Union") hereby stipulate and agree as follows:

13 WHEREAS, on March 20, 2014, Kelly-Moore filed a Complaint in the Superior  
14 Court in the State of California for the County of San Mateo, titled *Kelly-Moore Paint*  
15 *Company, Inc. v. National Union Fire Insurance Company of Pittsburgh, PA, et al.*, Case  
16 No. CIV-527420 (the "Action");

17 WHEREAS, the Action was moved to this Court pursuant to a Notice of Removal  
18 of Civil Action filed by National Union on April 18, 2014;

19 WHEREAS, on November 10, 2014, National Union filed a Revised  
20 Counterclaim;

21 WHEREAS, Kelly-Moore and National Union settled this Action on February 20,  
22 2015;

23 WHEREAS, a Notice of Settlement was filed on February 23, 2015;

24 **NOW, THEREFORE**, Kelly-Moore and National Union jointly request and  
25 stipulate to the entry of an Order providing that:

26 1. All claims asserted by Kelly-Moore against National Union and all  
27 counterclaims asserted by National Union against Kelly-Moore are dismissed with  
28 prejudice; and

2. Each of the parties shall bear its own costs, expenses, and attorneys' fees associated with the prosecution and defense of this Action.

IT IS SO STIPULATED

Dated: May 8, 2015

PILLSBURY & COLEMAN, LLP

By: /s/ Philip L. Pillsbury, Jr.

Philip L. Pillsbury, Jr.

Ingrid S. Leverett

Attorneys for Plaintiff and Counter-defendant

KELLY-MOORE PAINT COMPANY, INC.

Dated: May 8, 2015

LEE LAW OFFICES

By: /s/ Monika Pleyer Lee

Monika Pleyer Lee

Attorneys for Plaintiff and Counter-defendant

KELLY-MOORE PAINT COMPANY, INC

Dated: May 8, 2015

NICOLAIDES FINK THORPE

MICHAELIDES SULLIVAN LLP

By: /s/ Sara M. Thorpe

Sara M. Thorpe


Gary A. Barrera

Attorneys for Defendant and Counterclaimant

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

IT IS SO ORDERED

Dated: May 8, 2015

  
\_\_\_\_\_  
Hon. Maria-Elena James  
Magistrate Judge of the Northern District of California